

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO OCTAVIO MAGALLON CANO
(2),

Defendant.

No. 4:15-CR-6005-EFS-2

**ORDER GRANTING USAO'S MOTION FOR
DISCLOSURE AND MOTION FOR
PROTECTIVE ORDER**

Before the Court, without oral argument, are the United States Attorney's Office's (USAO) Motion for Disclosure to Defense Counsel But Not Unsealing, ECF No. 47, Motion for Protective Order, ECF No. 49, and two related motions to expedite, ECF Nos. 48 & 50. The USAO seeks permission to disclose certain sealed documents to defense counsel without unsealing the documents and to set parameters for the parties' reference to the existence and content of sealed documents. ECF No. 47. The USAO also seeks a protective order for discovery materials to protect any confidential informants referenced therein and the ongoing investigation. ECF No. 49. Because resolution of these motions is necessary to further discovery in this case, which is set for trial on May 18, 2015, the Court finds good cause to expedite consideration of these motions.

1 The investigation that resulted in the Indictment in this case
2 involved a number of warrants filed under seal with a magistrate
3 judge. ECF No. 47 at 2. Although these documents should remain
4 sealed to the public to protect any confidential informants and to
5 avoid jeopardizing an ongoing investigation, Defendant must have
6 access to these documents to prepare his defense. Therefore, the
7 Court finds good cause to grant the USAO's motion and order that the
8 search warrants in case number 4:15-MJ-7022-JPH be disclosed to
9 defense counsel but remain sealed to the public. The Court also finds
10 good cause to grant the USAO's motion for a protective order related
11 to the dissemination of discovery as set forth below. The parties are
12 expected to be vigilant in protecting the identity of any confidential
13 informants referenced in sealed documents.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. The USAO's motions to expedite, **ECF Nos. 48 & 50**, are
16 **GRANTED.**

17 2. The USAO's motion for disclosure, **ECF No. 47**, is **GRANTED.**

18 3. The USAO's motion for a protective order, **ECF No. 49**, is
19 **GRANTED**, and a protective order is entered, as follows:

20 **A.** Defense counsel may possess but not copy the
21 discovery materials, including sealed documents,
22 except for the production of necessary working
23 copies.

24 **B.** Defense counsel may show the discovery materials,
25 including sealed documents, to Defendant and discuss
26 the materials with him.

